

REMARKS

Claims 1-32 are pending in this application.

Claims 14-31 have been canceled without prejudice, and claims 1, 5, 10, 11 and 32 have been amended by the present Amendment. No new matter is added by the present Amendment.

CLAIM OBJECTION

The Examiner has objected to claim 32 because the term "untraviolet" should be "ultraviolet". Applicants have corrected the typographical error in claim 32, and respectfully request that the objection to claim 32 be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

Reconsideration is respectfully requested of the rejection of claims 10, 13 and 32 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements.

Without conceding the merits of Applicants' rejection, in order to advance prosecution of this case, Applicants have amended claims 10 and 32 to recite a pigment.

Accordingly, withdrawal of the rejection of claims 10, 13 and 32 under section 112 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102 AND § 103

Reconsideration is respectfully requested of the rejection of: (1) claims 1-4, 8 and 32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,662,794 ("Sato"); (2) claims 1, 3, 4, 7, 8 and 32 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,821,155 ("Kloos"); (3) claims 7 and 9 under 35 U.S.C. § 102(b) as being

anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Sato; (4) claim 9 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Kloos; and (5) claims 2, 5, 6 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Kloos.

Claims 1, 10 and 32 recite, *inter alia*, a color filter composition for a display device including a solid powder having a weight percent in the color filter composition ranging from about 12% to about 18%.

The Examiner admits that Kloos does not expressly disclose a percentage of solid powder in a binder, and states that it would have been obvious to one of ordinary skill in the art to manipulate the percentage "to achieve the predictable results of increasing or decreasing the intensity of the color in the composition."

The Examiner's conclusions regarding the claimed range are erroneous for at least the reasons that (1) the claimed range is critical, and (2) Kloos is non-analogous art.

The Claimed Range Is Critical

For at least the reason that the claimed range achieves unexpected results, the claimed range is not obvious in view of the cited references.

M.P.E.P. Section 2144.05 states:

Applicants can rebut a *prima facie* case of obviousness based on overlapping ranges by showing the criticality of the claimed range. "The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims. . . . In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the

prior art range." *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

M.P.E.P. § 2144.05 (Rev. 9/07).

Applicants recognize that when a color filter composition for a display device including a solid powder having a weight percent in the color filter composition ranging from about 12% to about 18% is coated on a substrate using a slit coating process, the color filter is prevented from being spotted or striped. See, e.g., Applicants' disclosure, ¶ 0029. Applicants further recognize that when the weight percent of the solid powder is outside of the claimed range, the color filter composition may flow after the color filter composition is coated on the substrate (lower than 12%), or the color filter composition may adhere to the slit coater (greater than 18%) resulting in a spotted or striped color filter thin film. See id.

This effect of the weight percent of the solid powder is not recognized in the cited references. Indeed, Kloos bears no relation to color filter compositions for a display device, and instead relates to fire retardant coating compositions used on ship decks and industrial flooring. In addition, Sato does not mention slit coating and is silent regarding such an effect of the weight percent of the solid powder on the slit coating process.

Therefore, Applicants respectfully submit that a solid powder having a weight percent in the color filter composition ranging from about 12% to about 18%, as recited in claims 1, 10 and 32, achieves unexpected results relative to the prior art, and is therefore, not rendered obvious by the cited references. As such, claims 1, 10 and 32 are patentable over the cited references.

Kloos Is Non-Analogous Art

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

The embodiments of the present invention relate to a color filter composition for a display device.

In contrast, Kloos relates to fire retardant multicolored coating compositions for ship decks and industrial flooring, and is clearly not in the same field as the applicants' endeavors. Moreover, Kloos is not reasonably pertinent to the problems associated with coating a color filter composition onto a substrate using a slit coating process. As stated above, the claimed range of weight percent of the solid powder prevents the color filter from being spotted or striped when the color filter is coated using a slit coating process. However, unlike the claimed embodiments, the coating of fire retardant materials on floors or decks has nothing to do with preventing a color filter composition for a display device from being spotted or striped. Indeed, the viscosity of 10,000 cps mentioned in Kloos is approximately 2500 to 3000 times more than the viscosity range claimed by Applicants.

Therefore, because of the differences between Kloos and the claimed

embodiments, Kloos does not qualify as analogous art under either of the *Oetiker* tests.

Accordingly, Kloos is not analogous to the claimed embodiments, and cannot be used to support an obviousness rejection.

For at least the above reasons, Applicants respectfully submit that none of the cited references, when taken alone or in combination, disclose or suggest the claimed embodiments, and there is no motivation to develop same.

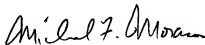
Therefore, Applicants respectfully submit that amended claims 1, 10 and 32 are patentable over and not anticipated by the cited references.

For at least the reason that claims 2-9 depend from claim 1, and claims 11-13 depend from claim 10, claims 2-9 and 11-13 are also submitted not to be anticipated by and to be patentable over the cited references.

As such, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-13 and 32 under 35 U.S.C. §§ 102(b) and 103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



Michael F. Morano
Reg. No. 44,952
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
(516) 692-8888